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PATENT
5181-60700/P3917

PMB

9-18-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark C. Terranova, et al

Group Art Unit: 2756
Examiner: Unknown

Serial No. 09/633,476

Atty. Dkt. No. 5181-60700

Filed: August 7, 2000

For: System and method for testing server
latencies using multiple concurrent users
in a computer system

I hereby certify that this correspondence is being deposited
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9/5/02
Date

B. Noel Kivlin

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

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Technology Center 2100

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449
and/or ☐ the additional information identified below in paragraph 3. A copy of each reference listed on
the Form PTO-1449 is enclosed.

1. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued
prosecution application under § 1.53(d);
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in
an International application;
☒ before the mailing date of a first Office Action on the merits; or
☐ before the mailing of a first Office Action after the filing of a request for
continued examination under § 1.114.
- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final
Office Action or Notice of Allowance, and thus: ☐ the certification of
paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.

- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
- ☐ reference is made to the concise explanation set forth below:

5. ☐ Applicant also offers the following comments for the Examiner's consideration:

6. ☐ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.

8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Conley, Rose & Tayon, P.C. Deposit Account No. 50-1505/5181-60700.

Respectfully submitted,



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